

PLANNING COMMISSION MINUTES OF APRIL 10, 2006

2006-0078 – Sunnyvale Ford [Applicant] **Ken Imus** [Owner]: Appeal of a decision of the Administrative Hearing Officer for an application for a Special Development Permit on a 4.5-acre site to allow an outdoor auto repair facility. The property is located at **650 East El Camino Real** (near E Remington Dr) in a C-2/PD (Highway Business/Planned Development) (APN: 211-24-029) GC

Gerri Caruso, Principal Planner, presented the staff report. Ms. Caruso said this appeal is a request to modify the decision of the Administrative Hearing Officer who approved the application to have an exterior truck lift and work area at an existing auto dealer. The Hearing Officer added a Condition of Approval (COA) that required that the area be screened by a wall around the immediate area and deleted COAs requiring buffer landscaping against the adjacent residential property. The appellant is requesting that the Planning Commission remove the COA requiring the screened wall. Staff is recommending that that Planning Commission uphold the decision of the Administrative Hearing Officer. Staff would like to note that the applicant has provided a modified proposal, tonight, where the applicant would add trees along the property line in lieu of the wall around the proposed work area. Staff has not had a chance to review the proposal and does not have a recommendation regarding the modified proposal. She said staff will need to verify if the planting area proposed by the appellant is owned by the applicant or if it is City right-of-way.

Comm. Babcock asked if staff was recommending that this wall be built around all four sides of the structure or just along the Michelangelo side. Ms. Caruso said that picture number 2 that the applicant provided tonight is a good vantage point showing what would be screened. She said staff is requesting additional screening on two sides. Comm. Babcock asked whether adequate screening could be accomplished by adding trees. Ms. Caruso said that with the proper tree selection adequate screening could probably be accomplished on the Michelangelo side. Comm. Babcock asked if the area that needs screening is City property, could two parking spaces be given up to allow for tree planting to provide screening. Comm. Babcock confirmed that as far as the City is concerned if the dealership lost a couple of parking spaces that there would still be adequate parking.

Comm. Klein asked staff which direction cars would be entering the site from. Ms. Caruso referred to Attachment C, page 1 and said that cars would pull in from the El Camino Real side. Comm. Klein confirmed with staff if the applicant lost several parking spaces to allow for additional landscaping that the loss of parking spaces would not be a concern for staff.

Vice Chair Fussell referred to Attachment E, the appeal letter from the applicant, and asked staff for clarification of the paragraph "The outside hoist will only be used during working hours and safety requires that the hoist be lowered when not in use (after working hours)." He confirmed that staff had not requested that the hoist be maintained in the upward position. Ms. Caruso said that staff wants the area screened to the point that if the hoist is raised to the highest position and the lift has a truck on it that the surrounding properties are visually buffered from the proposed work area.

Comm. Sulser referred to Attachment E and asked staff about the appellant's recommendation to allow the use of a "chain link fence with colored slats." Ms. Caruso said that the chained link with slat is not typically used for screening in commercial areas. It is a minimum design allowed in industrial areas.

Vice Chair Fussell asked staff if there had been any feedback from neighbors. Ms. Caruso said that no feedback was received from neighbors, but the Administrative Hearing Officer, from a City position, did see the need for screening the proposed site from the Community Center side.

Chair Hungerford referred to Attachment B, page 2, which indicates COAs regarding landscaping that were deleted by the Administrative Hearing Officer when the requirement for a wall was added. Chair Hungerford confirmed with staff that the previous landscaping COAs were required to help visually screen the area from the residents of the neighboring duplex. He said if the Planning Commission removed the requirement for the wall, then the Commission should reconsider adding the landscaping requirements back to the COAs. Ms. Caruso said that the appellant may want to comment about the landscaping requirement as they were originally opposed to the landscaping COAs at the Administrative Hearing.

Chair Hungerford opened the public hearing.

Bruce Isaef, appellant and Parts and Service Director for Sunnyvale Ford, thanked staff for their assistance in working through this project. Mr. Isaef provided a supplemental information handout to the Planning Commission including a summary of the appeal and photographs of the site from various neighboring vantage points. The handout indicated positions where trees could be planted to block the view of the proposed work area. Mr. Isaef responded to a question from Comm. Babcock stating that the distance between the wall and sidewalk is about 5 ½ to 6 feet which would allow room for landscaping on the outside wall. Mr. Isaef explained the various pictures provided in the handout and said that he is not opposed to providing screening, but he thinks that landscaping would be a better screening method. He said he has two objections to the requirement for the wall. The first is that the wall would prohibit the possibility of making the entry to the work area on the Michelangelo side, which he said is the ideal choice, as it would be difficult to have large trucks enter from

the El Camino Real side. His second objection is that the cost of a two-sided wall will double the cost of the whole project. He said the chain link fence was offered as an option based on cost, but that the tree option might be the best option.

Comm. Klein asked about the repairs and services that are provided on the site. He asked how this proposed work area would be affected by weather, lighting, work hours, different times of the year, etc. Mr. Isaef said the business is open Monday through Saturday from 7 a.m. to 6 p.m. (mechanics work 8 a.m. to 4:30 p.m.) The work is done during daylight hours and the only lighting that might be needed would be a drop light under the hood or under the vehicle. He said at this point there are no plans to put exterior lighting in or to work evenings. He said there are many truck owners and contractors in the Sunnyvale area that are having their vehicles serviced outside of Sunnyvale and this work area would keep more business in the City. Comm. Klein asked if Mr. Isaef was opposed to putting in trees if it meant losing a few parking spaces. He said the property on the dealership side is paved with asphalt. He said he had not considered the removal of the asphalt, and he is not sure about the space on the outside of the fence as he believes this is City owned and maintained property.

Comm. Babcock asked Mr. Isaef if the Ford Dealership maintained the trees between the sidewalk and the fence. He said he believes this is City land as they have been told not to touch the trees in that area. Comm. Babcock said that the appellant said the Community Center is about 200 feet from the proposed site. She asked if Mr. Isaef knew how close the neighboring duplex was from the site. He said he thought it was about 280 feet from the proposed site. Mr. Isaef added that he contacted the neighbor to look at the modifications. He said he spoke to neighbor and he said that he had no objection to what was being proposed. Comm. Babcock asked Mr. Isaef if he had calculated any cost breakdown to determine whether it is more financially feasible to build the required wall or to remove a couple of parking spaces and put in landscaping for screening. He said he had not figured the cost for removing parking spaces, but the cost of the two-sided wall would be about \$30,000. He said planting trees on the outside of the property would be less than the wall, but tearing up asphalt and putting in landscaping within their property could be costly.

Harriet Rowe, a Sunnyvale resident, said she is an owner of one of the nearby duplexes and has had to live with the noise of the outdoor speakers calling sales representatives. She said the new equipment is supposed to be quiet, but she has a hard time believing the tools will be quiet. She mentioned a concern with the height of the posts on the lift (which was later addressed as there was a misunderstanding of the height of the lift being 88 feet when it is actually 88 inches) and also commented that the landscaping of the City property needs to be modernized and better maintained. She said that the landscaping requirement removed at the Administrative Hearing should be put back into the COAs and she is hoping the required 15 foot wall will help cut down on some of

the noise. She feels this proposed addition will have impact and that more neighbors might be present to give input if they understood the situation and the City public hearing process.

Vice Chair Fussell asked Ms. Rowe what her preference would be for screening. Ms. Rowe asked for clarification about which area is being considered for additional landscaping. Ms. Caruso said the landscape strip in question, (whether it belongs to the City or is Ford Dealership property) is on the Michelangelo side and is the strip between the sidewalk and the Ford wall. Ms. Rowe said that she would like to see the Michelangelo landscaping updated and that anything provided to screen the homeowners would be appreciated. Vice Chair Fussell asked Ms. Rowe if it was her desire to have the 15 foot wall required for sound and the landscaping between the fence and the curb updated. She said if the landscape strip in question is property of the Ford Dealership then they should be required to update it. She said if the City maintains this strip then she would need to talk with the City about the maintenance. **Trudi Ryan**, Planning Officer, added that if the landscape strip is part of the right-of-way the adjacent property owner can landscape the area without approval, unless the landscaping is trees. Ms. Ryan said the City maintains the trees, but shrubbery would be maintained by the adjacent property owner. Vice Chair Fussell clarified with staff that the height of the lift is 88 inches and not 88 feet.

Chair Hungerford closed the public hearing.

Chair Hungerford asked staff if there is a precedence of private owners planting trees on City property. Ms. Ryan said, yes, that it is common, with permission from the Street Tree Division of Public Works, for private owners to be granted approval. She said the Street Tree Division would provide guidance on the type of tree and other issues, but the maintenance would be the responsibility of the property owner.

Comm. Klein referred to the noise concern mentioned by Ms. Rowe and clarified with staff that if there was a noise problem that the applicant would need to comply with the City noise standards.

Comm. Klein moved for Alternative 2 to grant the appeal and approve the Special Development Permit with modified conditions and delete the requirement for a screening wall. He added a requirement for the applicant to work with staff to plant trees to appropriately screen the proposed exterior auto repair stall area from the Community Center on Michelangelo Drive and from the neighboring duplex. Ms. Caruso said that staff would need to work with the Street Tree Division to determine the appropriate number and types of trees that might be planted. Comm. Babcock asked for clarification if the landscaping is in addition to the screen wall or the landscaping in place of the screen wall. Comm. Klein said he is removing the requirement for the screen wall. Comm. Babcock asked Comm. Klein if he would consider **requiring**

“either/or” the screening wall or the landscaping left to the applicant’s discretion. **Comm. Klein agreed to the modification of the motion. Comm. Babcock seconded the motion.**

Comm. Klein said that Sunnyvale Ford as a business needs to always be looking for ways to increase their business and this application is trying to meet a need and gain additional business. He said he understands why the Administrative Hearing Officer made the decision to add the COA requiring the wall. He said if the noise standards are not exceeded and this addition improves business then the alternative for the applicant to work with staff regarding the screening is the best solution.

Comm. Babcock said she is glad that Comm. Klein went with the option of the applicant providing “either/or” a screening wall or landscaping. She said that the particular landscape strip in question really could use some improvement. She said she would like to see the applicant choose trees as the screen, but either choice would meet the end goal.

Vice Chair Fussell said, reflecting on the public comments, that there are concerns about aesthetics and noise. He said the noise cannot exceed what is allowed by the City standards. He said from an aesthetic standpoint that he also would rather see trees chosen as the screening method, but he thinks this motion is a good solution.

Ms. Ryan asked the maker of the motion if the motion is to plant trees to screen the proposed facility from Michelangelo Drive, the Community Center and the duplex, and if the motion includes providing additional landscaping on the east property line of the parking lot of the Ford dealership or just along Michelangelo. **Comm. Klein said the motion includes only the areas that view this proposed site and if there is view from the duplex then that will also need screening. Comm. Babcock agreed with Comm. Klein.**

Final Action:

Comm. Klein made a motion on 2006-0078 to grant the appeal and approve the Special Development Permit with modified conditions requiring the applicant provide a screening wall or to work with staff to plant trees or landscaping on City or private property, to appropriately screen the proposed facility from the areas that view this site, including the Community Center, Michelangelo Drive and the neighboring duplex as needed. Comm. Babcock seconded.

Motion carried unanimously, 5-0, Comm. Simons absent.

This item is appealable to City Council no later than April 25, 2006.